REMARKS

The Office Action dated October 20, 2005 has been received and carefully noted. The above amendments to claims 1, 2, 6, 7, 8, 11, and 14, new claims 17-30, and the following remarks, are submitted as a full and complete response thereto. No new matter is being presented, and approval and entry are respectfully requested. Support for the new claims may be found, at least, on page 1, paragraph 12, page 3, paragraphs 37-39, and page 4, paragraph 42 of the specification.

Claims 1-30 are pending and under consideration.

OBJECTIONS TO THE CLAIMS:

In the Office Action, at page 2, claims 6-8 were objected to for informalities. In response, the dependencies of dependent claims 6 and 7 have been modified to depend from independent claim 1 and the dependency of dependent claim 8 has been modified to depend from dependent claim 7.

Accordingly, it is respectfully requested that the objection to the claim be withdrawn.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 2, claims 1-4, 11, and 14 were rejected under 35 U.S.C. § 102 as being anticipated by U. S. Patent No. 6,275,690 to Higuchi et al. ("Higuchi"). The Office Action took the position that Higuchi describes all the

recitations of independent claims 1, 11, and 14 and related dependent claims. Particularly, the Office Action focused on the description provided in column 6, lines 4-13 and 19-37 of Higuchi as describing the recitations of independent claims 1, 11, and 14. It is respectfully asserted that, for at least the reasons provided herein below, Higuchi fails to teach or suggest the recitations of the pending claims. Reconsideration is requested.

Independent claim 1, upon which claims 2-10 and 24-26 are dependent, recites a method for processing a voice call establishment request from a calling terminal to a called terminal. The method includes detecting the call establishment request, in response to said detecting, alerting the called terminal, and setting up a two-way connection between the calling terminal and the called terminal. The method further includes determining that a two-way voice call between the calling terminal and the called terminal is not allowed, receiving silent messages via the called terminal and/or the calling terminal, and conveying information based on said silent messages to the calling terminal and/or the called terminal, respectively.

Independent claim 11, upon which claims 12-13 are dependent, recites an apparatus for processing a voice call establishment request from a calling terminal to a called terminal. The apparatus includes means for detecting the call establishment request, means for determining that a two-way voice call between the calling terminal and the called terminal is not allowed, means for receiving silent messages via the called

terminal, and means for conveying information based on said silent messages to the calling terminal.

Independent claim 14, upon which claims 15-16 are dependent, recites an apparatus for processing a voice call establishment request from a calling terminal to a called terminal. The apparatus is configured to detect the call establishment request, determine that a two-way voice call between the calling terminal and the called terminal is not allowed, receive silent messages via the called terminal, and convey information based on said silent messages to the calling terminal.

Independent claim 17, upon which claims 18-19 are dependent, recites a mode converter for changing call mode, the mode converter configured to change the call mode from a voice call to a non-voice call.

Independent claim 20, upon which claims 21-22 are dependent, recites a mode user interface in a called terminal and/or a calling terminal. The user interface is configured to select a desired call mode, and if a two-way voice call between the called terminal and the calling terminal is not allowed, receive silent messages from the calling terminal and/or the called terminal.

Independent claim 23 recites a mode communication system. The system is configured to detect a voice call establishment request from a calling terminal to a called terminal, in response to said detecting, alert the called terminal, set up a two-way connection between the calling terminal and the called terminal, determine that a two-way voice call between the calling terminal and the called terminal is not allowed, and

receive silent messages via said called terminal and/or calling terminal and convey information based on said silent messages to the calling terminal and/or called terminal, respectively.

As will be discussed below, Higuchi fails to disclose or suggest the elements of any of the presently pending claims.

Higuchi generally describes a mobile system where a called party may transmit predefined notifications or messages to a calling party, if the called party is unable to answer a call. See column 2, lines 10-17. Specifically, when a cellular mobile telephone apparatus 1 receives the call reception signal, a control circuit 10 recognizes the reception of an incoming call and generally lets the user know the reception of an incoming call for a predetermined time period using an incoming call notification in the form of an alarm or vibrations. See column 6, lines 4-14. Thus, in Higuchi, a two-way communication has been allowed.

Simultaneously with this operation described in Higuchi, the control circuit 10 monitors whether or not the user manipulates a key on the cellular mobile telephone apparatus 1 in response to the incoming call notification or whether or not a state-holding keys has been previously depressed. In this event, if the user does not respond to the incoming call notification in spite of the incoming call notification which has been provided to the user for the predetermined time period, the control circuit 10 in Higuchi transmits an absence message for notifying the calling party that the user is now absent, and initiates a recording operation.

However, Higuchi does not teach or suggest determining "that a two-way voice call between the calling terminal and the called terminal is not allowed," as recited in independent claims 1, 11, 14, and 23. Similarly, Higuchi does not teach or suggest, "if a two-way voice call between the called terminal and the calling terminal is not allowed, receive silent messages from the calling terminal and/or the called terminal," as recited in independent claim 20. Instead, in Higuchi, once the two-way voice call has been allowed and established between the cellular mobile telephone apparatus 1 and a calling party, if the cellular mobile telephone apparatus 1 does not respond to the incoming call notification, then the control circuit 10 transmits an absence message notifying the calling party that the user is now absent. See column 6, lines 19-30. According to Higuchi, by selecting any-key (other than the two predefined) when answering an incoming call, the user apparatus enters to a communication state which itself is a voice call state. See column 6, lines 45-49. Thus, Higuchi does not describe determining a two-way voice call between a calling terminal and a called terminal that is not allowed.

In addition, Higuchi does not teach or suggest, "conveying information based on said silent messages to the calling terminal and/or the called terminal, respectively," as recited in independent claims 1 and 11 or "convey information based on said silent messages to the calling terminal," as recited in independent claims 14 and 23. Instead, after transmitting the absence message notifying the calling party that the user is now absent, the communication channel in Higuchi is cut and the cellular mobile telephone apparatus 1 again enters the standby state when the calling party cuts the call or an

available recording time expires so as to terminate the recording. See column 6, lines 26-30. There is no conveyance in Higuchi of information based on a silent message.

Further, the various dependent claims recite important features related to the specific activities performed. For example, dependent claim 7 recites, "said converting comprises receiving an indication of one of a plurality of predetermined voice messages," and dependent claim 8 recites, "said plurality of predetermined voice messages is dimensioned such that any predetermined voice message is selectable without moving fingers on the user interface." Higuchi is devoid of any teaching or suggestion providing the specific recitations of dependent claims 7 and 8.

The present invention relates to a situation where a connection is first established between a calling party and a called party. Subsequently, it is determined that the communication between the calling party and the called party is to be carried out in a silent mode. See page 2, lines 24-31. The silent mode is a type of communication that is different from a traditional voice call and it is also different from a short message. The silent mode may be, for instance, a chat connection. See claim 4. The connection is first attempted as a voice call, but it then carried in the silent mode based on a predefined setting or a choice made by the called party.

In addition, Higuchi is devoid of any teaching or suggestion providing a determination "based on detecting a predetermined profile associated with the called terminal, the profile being set prior to said alerting," as recited in dependent claims 3 and 27-30.

One of the many advantages of the present invention is that it provides an interactive way of communication to a user when the user is not able to answer an incoming voice call. The present invention provides, at least, a more resilient and convenient way to carry a call silently compared to short messages or voice mail. The benefits of the recitations of independent claims 1, 11, 14, 17, 20, and 23 is to allow a user to answer and continue a call in a silent mode, without having to hang up the call. The silent mode provides a possibility to an interactive communication, not just sending pre-recorded messages as provided in Higuchi.

Accordingly, in view of the foregoing, it is respectfully requested that independent claims 1, 11, 14, 17, 20, 23, and related dependent claims be allowed.

In the Office Action, at page 4, claims 1-13, 14, 15, and 16 were rejected under 35 U.S.C. § 102 as being anticipated by U. S. Patent No. 6,185,433 to Lele et al. ("Lele"). The Office Action took the position that Lele describes all the recitations of independent claims 1, 11, and 14 and related dependent claims. Particularly, the Office Action focused on the description provided in column 8, lines 51-64 of Lele as describing the claimed recitations of independent claims 1, 11, and 14. It is respectfully asserted that, for at least the reasons provided herein below, Lele fails to teach or suggest the recitations of the pending claims. Reconsideration is requested.

As will be discussed below, Lele fails to disclose or suggest the elements of any of the presently pending claims.

Lele generally describes a communication system where a called party may automatically send user-defined messages stored in a memory of his/her communication device if the called party is in a busy mode. The system provides the messages to be sent as short messages or as voice mail. See column 3, lines 15-19, column 4, lines 61-67, and column 5, lines 47-63. Lele further provides transmitting voice communication to a called terminal, and alerting a controller.

However, Lele fails to teach or suggest, "setting up a two-way connection between the calling terminal and the called terminal," as recited in independent claim 1. Lele only describes a transmission of voice communication, not an establishment of the communication itself. Specifically, if a called terminal is in a busy mode, a message is transmitted to a calling terminal. See FIG. 5, column 4, lines 4-11, and column 8, lines 55-58. Lele does not provide a description of a two-way communication between a calling terminal and a called terminal.

In column 8, lines 50-64, of Lele referred to by the office action, an infrastructure receives a voice communication from the calling device. The infrastructure transmits the voice communication to the called device. When the called device is in the busy operational mode, the infrastructure receives a data message from the called device indicating that the called device is in the busy operational mode. The infrastructure then transmits an acknowledgement of receipt of the data message to the called device.

However, rather than sending a message indicative of a determination that a two-way voice call between the called device and the calling device is not allowed, Lele

provides a message indicative of a busy operational mode. Specifically, the infrastructure of Lele determines that the called device is in the busy operational mode.

Thus, Lele does not teach or suggest determining that "a two-way voice call between the calling terminal and the called terminal is not allowed," as recited in independent claims 1, 11, 14, and 23. Similarly, Lele does not teach or suggest, "if a two-way voice call between the called terminal and the calling terminal is not allowed, receive silent messages from the calling terminal and/or the called terminal," as recited in independent claim 20.

Further, the various dependent claims recite important features related to the present invention, which are not taught or suggested by Lele. For instance, Lele is silent about providing a determination "based on detecting a predetermined profile associated with the called terminal, the profile being set prior to said alerting," as recited in dependent claims 3 and 27-30.

Accordingly, in view of the foregoing, it is respectfully requested that independent claims 1, 11, 14, 17, 20, 23, and related dependent claims be allowed.

CONCLUSION:

In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore

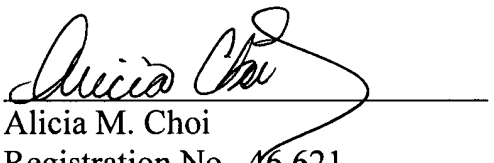
respectfully requests that each of claims 1-30 be found allowable and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
Additional Claim Fee Transmittal
Check No. 14089